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7	BEFORE THE
8	BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS
9	STATE OF CALIFORNIA
10	In the Matter of the Accusation Against: Case No. 2008-200
11	CRISTINA BALUBAR HIPOLITO
12	363 Deanne Lane ACCUSATION Daly City, CA 94014
13	Registered Nurse License No. 419016
14	Respondent.
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17	Complainant alleges:
18	<u>PARTIES</u>
19	1. Ruth Ann Terry, M.P.H, R.N (Complainant) brings this Accusation solely
20	in her official capacity as the Executive Officer of the Board of Registered Nursing.
21	2. On or about August 31, 1987, the Board of Registered Nursing issued
22	Registered Nurse License Number 419016 to Cristina Balubar Hipolito (Respondent). The
23	Registered Nurse License was in full force and effect at all times relevant to the charges brought
24	herein and will expire on November 30, 2008, unless renewed.
25	<u>JURISDICTION</u>
26	3. This Accusation is brought before the Board of Registered Nursing
27	(Board), under the authority of the following laws. All section references are to the Business and
28	Professions Code unless otherwise indicated.

STATUTORY PROVISIONS

- 4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
- 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.
 - 6. Section 2761 of the Code states:
- "The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:
 - "(a) Unprofessional conduct . . .
 -
 - 7. Title 16, California Code of Regulations, section 1444, states:
- "A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare. Such convictions or acts shall include but not be limited to the following:
 -
 - (c) Theft, dishonesty, fraud, or deceit.
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- 8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FACTUAL BACKGROUND

- 9. In or about 2000, Respondent was employed as a registered nurse at Laguna Honda Hospital in San Francisco, California (LHH). Respondent contacted Apple-A-Day, an organization that provided training for Cardiopulmonary Resuscitation (CPR) certification. Apple-A-Day recruited Respondent to host CPR certification training at Respondent's home.
- 10. Between the approximate period of 2000 through October, 2003, Respondent obtained CPR certifications issued by Apple-A-Day for approximately 500 nurses, despite Respondent's knowledge that such individuals had not completed the required certification training at Respondent's home. Respondent received approximately \$20.00 from Apple-A-Day for each of these nurses whom were fraudulently certified. Upon learning of Respondent's involvement in issuing fraudulent CPR certifications, LHH required its entire staff to participate in additional CPR training.
- 11. Between the approximate period of 2000 through October, 2003, Respondent contacted Primary Care Nurses 2000, an online continuing education provider, and requested continuing education course work and examinations on behalf of approximately 400 nurses. Each nurse paid Respondent up to \$40.00 to complete the examination for him or her. After Respondent completed each examination, Respondent submitted the examination to Primary Care Nurses 2000 and falsely represented that the nurse had completed the examination.
 - 12. In or about October, 2003, Respondent resigned from LHH.

FIRST CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

13. Respondent is subject to disciplinary action under section 2761(a) of the Code and Title 16, California Code of Regulations, section 1444(c) on the grounds of unprofessional conduct in that she committed an act of theft, dishonesty, fraud, or deceit, which is substantially related to the qualifications, functions or duties of a registered nurse, as set forth in paragraph 10, above.

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SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

14. Respondent is subject to disciplinary action under section 2761(a) of the Code and Title 16, California Code of Regulations, section 1444(c) on the grounds of unprofessional conduct in that she committed an act of theft, dishonesty, fraud, or deceit, which is substantially related to the qualifications, functions or duties of a registered nurse, as set forth in paragraph 11, above.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 1. Revoking or suspending Registered Nurse License Number 419016, issued to Cristina Balubar Hipolito;
- . 2. Ordering Cristina Balubar Hipolito to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
 - 3. Taking such other and further action as deemed necessary and proper.

Board of Registered Nursing

State of California Complainant

DATED: Pecentere, 2007